

pcb01.TURS

YEAR

1 A bill to be entitled
2 An act relating to the Department of State; amending s.
3 15.09, F.S.; providing for deposit of certain
4 reinstatement fees, late fees, and penalties collected by
5 the Division of Corporations of the Department of State
6 into the Florida Fine Arts Trust Fund rather than the
7 General Revenue Fund; providing for disbursement of such
8 revenues to fund cultural and historical preservation
9 grants and programs; amending s. 265.606, F.S.; deleting
10 requirement for local sponsoring organizations to submit
11 an annual postaudit to the Division of Cultural Affairs
12 under certain circumstances to conform with Single Audit
13 Act; providing for the reversion of state's matching share
14 of cultural endowment to Florida Fine Arts Trust Fund
15 rather than General Revenue Fund under certain
16 circumstances; providing for distribution of reverted
17 funds pursuant to the Cultural Endowment Program priority
18 list; amending s. 267.174, F.S.; changing dates for the
19 first meeting of the Discovery of Florida Quincentennial
20 Commemoration Commission, completion of the initial draft
21 of the master plan, and submission of the completed master
22 plan; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (4) of section 15.09, Florida
27 Statutes, is amended to read:

28 15.09 Fees.--

29 (4) (a) Except as provided in paragraph (b), all funds
30 collected by the Division of Corporations of the department shall

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be deposited in the General Revenue Fund.

(b) All reinstatement fees, late fees, and penalties collected pursuant to ss. 607.0122(13), 607.1422(1), 607.1502(4), 607.193(2)(b), 608.502, 617.0122(13), 617.1422(1), and 617.1623(1) shall be deposited in the Florida Fine Arts Trust Fund and disbursed each fiscal year as follows:

1. The sum of \$2 million shall be transferred to the Historical Resources Operating Trust Fund for the purpose of funding historic preservation matching grants pursuant to s. 267.0617.

2. The sum of \$1.75 million shall be transferred to the Historical Resources Operating Trust Fund for the purpose of funding historical museum grants pursuant to s. 267.0619.

3. The sum of \$14.3 million shall be used for the purpose of funding cultural grants as provided in ss. 265.286, 265.2861, 265.608, and 265.609.

4. Any remaining proceeds shall be used for the purpose of providing state matching funds for the Cultural Endowment Program as provided in s. 265.606.

If proceeds fall below the amounts required to be disbursed in subparagraphs 1.-3., the spending authority provided in this paragraph for the Cultural Institutions Trust Fund and the Historical Resources Operating Trust Fund shall be reduced proportionally.

Section 2. Subsections (4) and (5) of section 265.606, Florida Statutes, are amended to read:

265.606 Cultural Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.-
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(4) Once the secretary has determined that the sponsoring organization has complied with the criteria imposed by this section, he or she may authorize the transfer of the appropriate state matching funds to the organization. However, the secretary shall ensure that the local group has made prudent arrangements for the trusteeship of the entire endowment, and such trusteeship is hereby created. The sponsoring organization may then expend moneys in the endowment program fund, subject to the following requirements:

(a) The organization may expend funds only for operating costs incurred while engaged in programs directly related to cultural activities.

(b) The organization shall annually submit a report to the division, in such form as the division specifies, explaining how endowment program funds were utilized.

~~(c) Any contract administered under this section shall require the local sponsoring organization to submit to the division an annual postaudit of its financial accounts conducted by an independent certified public accountant.~~

(5) The \$240,000 state matching fund endowment for each individual endowment shall revert to the Florida Fine Arts Trust Fund and shall be awarded to the first organization on the Cultural Endowment Program priority list pursuant to subsection (6), that has not previously received a cultural endowment in the most current fiscal year funding cycle, ~~General Revenue Fund~~ if any of the following events occurs:

(a) The recipient sponsoring organization is no longer able to manage an endowment ~~ceases operations.~~

(b) The recipient sponsoring organization files for protection under federal bankruptcy provisions.

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91 (c) The recipient sponsoring organization willfully expends
92 a portion of the endowment principal of any individual endowment.

93 Section 4. Paragraph (d) of subsection (5) and paragraph
94 (c) of subsection (7) of section 267.174, Florida Statutes, are
95 amended to read:

96 267.174 Discovery of Florida Quincentennial Commemoration
97 Commission.--

98 (5) OFFICERS; BYLAWS; MEETINGS.--

99 (d) The initial meeting of the commission shall be held no
100 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings
101 shall be held upon the call of the chair or vice chair acting in
102 the absence of the chair, and in accordance with the commission's
103 bylaws.

104 (7) DUTIES; MASTER PLAN.--

105 (c) The commission shall establish a timetable and budget
106 for completion for all parts of the master plan which shall be
107 made a part of the plan. An initial draft of the plan shall be
108 completed and submitted to the Governor, the President of the
109 Senate, the Speaker of the House of Representatives, and the
110 Secretary of State by May 2009 ~~January 2008~~ with the completed
111 master plan submitted to such officials by May 2010 ~~January 2009~~.

112 Section 5. This act shall take effect July 1, 2006.